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Security Council

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Statement by the President of the Security Council

At the 4997th meeting of the Security Council, held on 25 June 2004, in connection with the Council's consideration of the item entitled "The situation in Bosnia and Herzegovina", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council notes the report of the High Representative for Bosnia and Herzegovina to the Secretary-General of the United Nations of 18 February 2004 (S/2004/126) which refers to the increasing number of challenges to the police certification process conducted by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) International Police Task Force (IPTF).

"The Security Council recalls its relevant resolutions and its support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex). The parties to the Peace Agreement had the responsibility to cooperate fully with, and to instruct their respective responsible officials and authorities to provide their full support to, the IPTF during its mandate on all relevant matters. The Council affirms that such responsibility included giving full and immediate effect to the decisions issued by the IPTF, including decisions to deny certification. The Council also affirms that Bosnia and Herzegovina has the obligation to respect fully and to promote the fulfilment of its responsibilities under the Peace Agreement.

"The Security Council reaffirms the legal basis in the Charter of the United Nations on which the IPTF was given its mandate. The Council recalls that during its mandate the IPTF was entrusted with the tasks set out in Annex 11 of the Peace Agreement, including the tasks referred to in the Conclusions of the London, Bonn, Luxembourg, Madrid and Brussels Conferences and agreed by the authorities in Bosnia and Herzegovina.

"The Security Council affirms that the certification process was carried out pursuant to the mandate of the IPTF and fully endorses this process. The comprehensive and rigorous vetting procedure was designed to create a police force comprised entirely of personnel meeting internationally recognized standards of personal integrity and professional performance.

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"The Security Council expresses concern at the failure of the competent authorities in Bosnia and Herzegovina to take due steps to implement decisions to deny certification. The Council notes that this failure has already led to several challenges before the courts in Bosnia and Herzegovina brought by persons whose employment in Bosnia and Herzegovina's law enforcement agencies was terminated pursuant to a denial of certification by the IPTF.

"The Security Council further notes that in some cases such persons have been re-instated following decisions of some local courts. The Security Council calls upon the Bosnia and Herzegovina authorities to ensure, including through the adoption or amendment of domestic legislation, that all IPTF certification decisions are fully and effectively implemented and that the employment of persons who were denied certification by the IPTF be terminated, and that such persons will be precluded from employment, either now or in the future, in any position within any law enforcement agency in Bosnia and Herzegovina."